

IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Kristin A. Jugenheimer  
Group Art Unit: 3731  
Application No.: 10/660,643  
Examiner: Gary Jackson  
Filed: September 12, 2003  
Docket No.: 10546/55605  
For: Apparatus and Method for Compressing Body Tissue

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

02/23/2006 SZEWDIE1 00000080 110600 10660643

01 FC:1806 180.00 DA

■ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

■ c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. A duplicate copy of this paper is attached. 37 CFR §1.97(c)(2).

3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

4. Relevance of the non-English language reference(s) is discussed in the present specification.

5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.

7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.

9. The reference(s) was/were cited by or submitted to the Office in parent application No. 09/957,356, filed September 21, 2001, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).

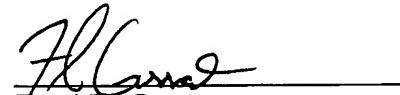
10. English-language Abstracts of the non-English language references are attached hereto.

11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.

12. Other.

Respectfully submitted,

KENYON & KENYON LLP



                          
Fred T. Grasso  
Registration No. 43,644

Date: February 22, 2006

Kenyon & Kenyon LLP  
1500 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 220-4200  
Facsimile: (202) 220-4201

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1 of 4

**Complete if Known**

Application Number	10/660,643
Filing Date	September 12, 2003
First Named Inventor	Kristin A. Jugenheimer
Art Unit	3731
Examiner Name	Gary Jackson

Attorney Docket Number 10546/55605

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-3,760,810	09-25-1973	Van Hoorn	
		US- 4,217,902	08-19-1980	March	
		US- 4,367,746	01-11-1983	Derechinsky	
		US- 4,832,027	05-23-1989	Utz	
		US- 5,368,600	11-29-1994	Failla et al.	
		US- 5,398,844	03-21-1995	Zaslavsky et al.	
		US- 5,439,468	08-08-1995	Schulze et al.	
		US- 5,507,797	04-16-1996	Suzuki et al.	
		US- 5,512,053-A	04-1996	Pearson et al.	
		US- 5,695,504	12-09-1997	Costa et al.	
		US- 5,868,763	02-1999	Spence et al.	
		US- 5,968,078	10-1999	Grotz	
		US- 5,972,002	10-1999	Bark et al.	
		US- 5,976,159	11-2-1999	Bolduc et al.	
		US- 6,171,321-B	01-2001	Bolduc et al.	
		US- 6,183,486-B	02-2001	Snow et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

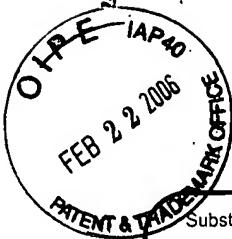
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 86 06952	12-04-86			
		WO 88 01486	03-10-88			
		EP 0 310 582 A	04-05-89			
		WO 95 21575	08-17-95			
		WO 96 40356 A	12-19-96			
		EP 0 774 237 A	05-21-97			
		WO 98 18389	05-07-98			
		DE 298 22 567	02-25-99			
		WO 01 35832	05-25-01			

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/08b(08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/06/2023. GPO 2007-083.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet

of 4

<i>Complete if Known</i>	
<i>Application Number</i>	10/660,643
<i>Filing Date</i>	September 12, 2003
<i>First Named Inventor</i>	Kristin A. Jugenheimer
<i>Art Unit</i>	3731
<i>Examiner Name</i>	Gary Jackson
<i>Attorney Docket Number</i>	10546/55605

## NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

PTO-1449

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet 3 of 4

ATTY. DOCKET NO.

10546/55605

SERIAL NO.

10/660,643

APPLICANT - K. Jugenheimer

FILING DATE

09/12/2003

GROUP

3731

## U. S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/SUBCLASS
	3,958,576	05/25/76	Komiya	128/346
	4,204,541	05/27/80	Kapitanov	128/334
	4,485,816	12/04/84	Krumme	128/334
	4,512,338	04/23/85	Balko et al.	128/1
	5,015,249	05/14/91	Nakao et al.	606/142
	5,049,153	09/17/91	Nakao et al.	606/151
	5,099,827	03/31/92	Melzer et al.	128/4
	5,100,420	03/31/92	Green et al.	606/143
	5,156,609	10/20/92	Nakao et al.	606/142
	5,163,343	11/17/92	Gish	81/120
	5,190,546	03/02/93	Jervis	606/78
	5,320,630	06/14/94	Ahmed	606/140
	5,324,307	06/28/94	Jarrett et al.	606/219
	5,356,424	10/18/94	Buzerak et al.	606/223
	5,383,882	01/24/95	Buess et al.	606/157
	5,405,378	04/11/95	Strecker	623/1
	5,423,834	06/13/95	Ahmed	606/140
	5,437,266	08/01/95	McPherson et al.	600/217
	5,449,375	09/12/95	Vidal et al.	606/213
	5,522,822	06/04/96	Phelps et al.	606/151
	5,569,268	10/29/96	Hosoda	606/140
	5,582,615	12/10/96	Foshee et al.	606/139
	5,582,616	12/10/96	Bolduc et al.	606/143
	5,603,694	02/18/97	Brown et al.	604/49
	5,624,453	04/29/97	Ahmed	606/140



	5,630,833	05/20/97	Katsaros et al.	606/213
	5,662,683	09/02/97	Kay	606/232

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
					YES	NO
	W096/14020	05/17/96	JP	A61B 17/28	Abstract	
	W096/16603	06/06/96	US	A61B 17/04		
	W099/20183	04/29/99	GB	A61B 17/122		

### OTHER DOCUMENTS

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER	DATE CONSIDERED
<p>EXAMINER: Initial if citation is considered, whether or not citation is in conformance with M.P.E.P. 609; strike out citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

10/660,643

Sheet 4 of 4